



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
WWW.USPTO.GOV

SEP 20 2002

MARY ANN DILLAHUNTY  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. BOX 1404  
ALEXANDRIA, VIRGINIA 22313-1404

#14

In re Application of :  
CRUZ et al :  
Serial No. 09/978,309 : Decision on Petition to Make Special  
Filing Date: 15 October 2001 :  
Attorney Docket No. 033352-010 :

This letter is in response to the Petition under 37 C.F.R. 1.102, MPEP 708.02, Item XII and MPEP 1002.02(c)(2), filed 14 August 2002.

A review of this file shows that the application was filed under 37 CFR 111(a) on 15 October 2001. A Notice to comply with the sequence requirements was mailed 11 February 2002 and a raw sequence listing was processed by the Office and entered into the file on 16 April 2002. The application has been classified in Class 514, subclass 12, directed to Drugs, bio-affecting and body treating compositions, with a designated organic active ingredient containing 25 or more peptide repeating units in known peptide chain. The application has been assigned to Art Unit 1653 and the Examiner Samuel Liu. The file does not contain an Office action on the merits or a restriction requirement.

On 14 August 2002, Applicants petitioned to make this biotechnology application special. The petition includes a verified statement claiming small entity status and a declaration of Co-inventor Dr. Tony Cruz. The Declaration states that Dr. Cruz is the President and CEO of Transition Therapeutics, Inc, that he is a co-inventor of the patent application, that the subject of the application is major asset of Transition Therapeutics Inc and that Dr. Cruz believes that the development of the technology will be significantly impaired if examination of the application is delayed. The petition and Declaration meet the requirements of 37 CFR 1.102 and MPEP 708.02, Item XII.

The petition is **GRANTED** for the reasons set forth above.

The application is being sent back to the examiner for action consistent with this decision.

Should there be any questions with regard to this letter, please contact Special Program Examiner Julie Burke by letter addressed to the Director, Technology Center 1600, Washington DC 20231 or by telephone at (703) 308-7553 or by facsimile transmission at (703) 308-7230.

*J. Burke*

Julie Burke  
Special Program Examiner  
TC1600